

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RONALD WAYNE BEALL,

Petitioner,

vs.

JAMES A. BENIDETTE, *et al.*,

Respondents.

2: 10-cv-00189-PMP-RJJ

**ORDER**

This is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in which Petitioner, a state prisoner, is proceeding *pro se*. Petitioner has filed a notice of appeal. In order to proceed with his appeal, petitioner must receive a certificate of appealability. 28 U.S.C. § 2253(c)(1); Fed. R. App. P. 22; 9<sup>th</sup> Cir. R. 22-1; *Allen v. Ornoski*, 435 F.3d 946, 950-951 (9<sup>th</sup> Cir. 2006); *see also United States v. Mikels*, 236 F.3d 550, 551-52 (9<sup>th</sup> Cir. 2001). Generally, a petitioner must make “a substantial showing of the denial of a constitutional right” to warrant a certificate of appealability. *Id.*; 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). “The petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong.” *Id.* (*quoting Slack*, 529 U.S. at 484). In order to meet this threshold inquiry, the petitioner has the burden of demonstrating that the issues are debatable among jurists of reason; that a court could resolve the issues differently; or that the questions are adequate to deserve encouragement to proceed further. *Id.*

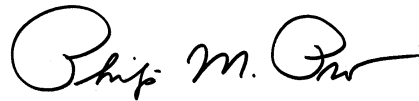
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1           This Court has considered the issues raised by petitioner, with respect to whether they satisfy  
2 the standard for issuance of a certificate of appealability, and determines that none meet that  
3 standard. The Court will therefore deny petitioner a certificate of appealability.

4           **IT IS THEREFORE ORDERED** that petitioner's motion for a certificate of appealability is  
5 **DENIED.** (Docket #26.)

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7 DATED: October 28, 2010.

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10 PHILIP M. PRO  
11 United States District Judge  
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